

(c) No roads shall be constructed across wilderness areas unless permitted by the authorized officer. Access by routes or modes of travel not available to the general public may, when fully justified, be permitted by written authorization of the authorized officer. The authorization shall prescribe routes and modes of travel which will result in impacts of least duration and degree on wilderness characteristics, and at the same time, serve the reasonable purposes for which the lands are held or used.

§ 8560.4-4 Commercial services.

The authorized officer may permit temporary structures and commercial services such as those provided by packers, outfitters and guides within wilderness areas to the extent he/she finds necessary for activities appropriate for realizing the recreational or other wilderness purposes of the area.

§ 8560.4-5 Gathering information about resources.

(a) Any person desiring to conduct any activity for purposes of gathering information about natural resources in wilderness may do so provided it is carried on in a manner compatible with the preservation of the wilderness environment. Where required by other law or regulation, such person shall obtain the necessary permits or authorizations. The authorized officer in granting such permits or authorizations shall allow such activities, subject to such restrictions as he/she may impose to insure that they are carried on in a manner compatible with the preservation of the wilderness environment. This section shall not apply to mineral prospecting under the mining or mineral leasing laws conducted prior to the date when the mining and mineral leasing laws cease to apply to the respective component of the system. (See § 8560.4-6.)

(b) Any person desiring to use motor vehicles, motorized equipment, mechanized transport, or to land aircraft for mineral prospecting or for gathering information about resources, shall notify the Bureau in writing. No form of overland mechanical transport may be used unless approved in accordance with subparts 2920, 3045, 3209 or 3509 of

this title. If a permit is required, it shall provide for the protection of public land resources, including wilderness characteristics, protection of the public and restoration of disturbed areas, and may provide for the posting of performance bonds.

§ 8560.4-6 Mining law administration.

The United States mining laws shall apply to each wilderness area under the jurisdiction of the Bureau for the period specified in the Wilderness Act and subsequent establishing legislation to the same extent they were applicable immediately prior to the designation of the area as part of the National Wilderness Preservation System.

(a) No person shall obtain any right or interest in or to any mineral deposits that may be discovered through prospecting or other information-gathering activity after the date on which the United States mining laws cease to apply to the specific wilderness area.

(b) No mining operations shall be conducted on Bureau-administered wilderness areas without an approved plan of operations where required by subpart 3809 of this chapter.

(c) Holders of valid mining claims established on any Bureau-administered wilderness area before the date such unit was included in the National Wilderness Preservation System shall be accorded the rights provided by the United States mining laws then applicable to the public lands involved.

(d) Any person prospecting or locating a mining claim in a Bureau-administered wilderness area on or after the date the wilderness area was included in the National Wilderness Preservation System, but prior to the date on which the mining laws cease to apply to that area, shall have the rights provided by the United States mining laws, subject to the provisions of the Wilderness Act and subsequent establishing legislation.

(e) All mining claimants shall comply with the reasonable stipulations established by the authorized officer for the protection of resources in accordance with the general purposes of maintaining the National Wilderness Preservation System unimpaired for future use and enjoyment as wilderness

and preserving its wilderness character, consistent with the use of the lands for mineral exploration, development, drilling and production, and for transmission lines, water lines, telephone lines or facilities necessary in exploring, drilling, producing, mining and processing operations. Where the use of mechanized transport, aircraft and motorized equipment is essential, these stipulations shall control their use.

(f) As soon as feasible after mining operations cease, but no more than one year thereafter, the operator shall remove all structures, equipment and other facilities and, no more than 6 months thereafter, commence reclamation. Reclamation, including appropriate revegetation, shall be completed within a reasonable time as determined by the authorized officer. Whenever possible and feasible, reclamation shall restore the surface to a contour which appears to be natural, although this may not be the original contour. Where such measures are impractical or impossible, as determined by the authorized officer, reclamation shall provide the maximum achievable slope stability.

(g) The authorized officer may require the posting of a cash or surety bond or other guarantee in such amount as the authorized officer determines to be sufficient to defray the costs of reclamation.

(h) In the development and operation of mining claims, claimants shall, to extent practicable as determined by the authorized officer and consistent with the use of lands for mineral development, prevent erosion, deterioration of the lands, impairment of their wilderness character, and the obstruction, pollution, or siltation of the streams, lakes and springs.

(i) The owner of patented mining claims located after the lands were included in the National Wilderness Preservation System may cut and use as much of the mature timber as is needed in the extraction, removal and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available. The cutting shall comply with sound principles of forest management as set forth in stipulations issued by the authorized officer.

(j) Where there exists no current approved mineral examination report concluding that unpatented mining claims are valid, prior to approving plans of operations or allowing previously approved operations to continue on unpatented mining claims after the date on which the lands were withdrawn from appropriation under the mining laws, the authorized officer shall cause a mineral examination of the unpatented mining claim to be conducted by a Bureau of Land Management mineral examiner to determine whether or not the claim was valid prior to the withdrawal and remains valid. If the approved mineral examination report concludes that the claim lacks a discovery of a valuable mineral deposit, or is invalid for any other reason, the authorized officer shall either deny the plan of operation or, in the case of an existing approved operation, issue a notice ordering the cessation of operations and shall promptly initiate contest proceedings to determine the status of the claim conclusively. However, neither the adverse conclusions of an approved mineral examination report nor the pendency of contest proceedings shall constitute grounds to disallow a plan of operations to the extent the plan proposes operations that will cause only insignificant surface disturbance and are for the purpose of:

(1) Taking samples or gathering other evidence of claim validity to confirm and corroborate mineral exposures which are physically disclosed and existing on the claim prior to the withdrawal date, or (2) performing the minimum necessary annual assessment work as required by §3851.1 of this title. Surface disturbance exceeding the insignificant level is permissible only when it is the minimum disturbance necessary to remove mineral samples to confirm and corroborate pre-existing exposures of a valuable mineral deposit discovered prior to the withdrawal. The requirement in this subsection for a mineral examination shall not cause a suspension of the time limitations governing approval of operating plans contained in §3809.1-6 of this title. Once a final administrative decision is rendered declaring a claim to be null and void, all operations, except required reclamation

Bureau of Land Management, Interior

§ 8560.5

work, shall be disallowed and shall cease unless and until such decision is reversed in a judicial review action.

(k) Activities, including prospecting under the United States mining laws, for the purpose of gathering information about minerals in wilderness, shall be allowed, except that any such activity for gathering mineral information after the date on which the United States mining laws cease to apply shall be conducted in a manner compatible with the preservation of the wilderness environment. After such date, mining claims shall not be located in wilderness areas.

[50 FR 7708, Feb. 25, 1985, as amended at 51 FR 15893, Apr. 29, 1986]

§ 8560.4-7 Mineral leases and mineral permits.

(a) No mineral leases shall be issued under the mineral leasing laws in any wilderness area on public lands.

(b) Holders of valid mineral leases established on any Bureau-administered wilderness area before the date such unit was included in the National Wilderness Preservation System shall be accorded the rights granted by the terms and conditions of the specific leases.

(c) Subject to valid existing rights, no person shall obtain any right or interest in or to any mineral deposits that may be discovered in a wilderness area through prospecting or other information-gathering activity after the date on which the laws pertaining to

mineral leasing cease to apply to the specific wilderness area.

(d) Permits shall not be issued for the removal of mineral materials commonly known as *common varieties* under the Materials Act of July 31, 1947, as amended and supplemented (30 U.S.C. 601, 604).

§ 8560.4-8 Water and power resources.

Prospecting for water resources and the establishment of new reservoirs, water-conservation works, power projects, transmission lines and other facilities needed in the public interest, and the subsequent maintenance of such facilities, all pursuant to section 4(d)(4)(1) of the Wilderness Act, may be permitted if specifically authorized by the President.

§ 8560.5 Penalties.

(a) Any person who knowingly and willfully violates the regulations in § 8560.1-2 is subject to arrest, conviction and punishment by a fine of not more than \$1,000 or imprisonment for not more than 12 months, or both.

(b) At the request of the Secretary of the Interior, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from utilizing public lands in violation of the regulations of this part.

Group 8600—Environmental Education and Protection [Reserved]